APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/735,427	HOLDEN ET AL.
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _17 October 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-10,20-25 and 27-30_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-10,20-25 and 27-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed on October 17, 2005.

Response to Arguments

2. Applicant's arguments, filed October 17, with respect to the rejection(s) of claim(s) 1-10, 20-25, and 27-30 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lee, U.S. Patent 4,788,715 and Schwartz et al. (hereinafter Schwartz), U.S. Patent 6,049,603.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 2, 7, 8, 10, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko et al. (hereinafter Bondarenko), U.S. patent 6,389,028, in view of Lee, and further in view of Burg et al. (hereinafter Burg) U.S. patent publication 2003/0061354.

5. In considering claims 1, 10, and 20 Bondarenko teaches a method and system for interacting with a an automatic call distributor, comprising: receiving a call placed from a user to an ACD server, (col. 11, lines 30-58); placing the call into a queue, (col. 11, lines 30-58); sending, by the user at any time while the call is in the queue, a dynamic request to the ACD server to determine at least one of the following queue information selected from the group consisting of a user's queue position, holding times, and other related queue data, (col. 11, lines 30-58); and returning the queue information from the ACD server to the user, (col. 11, lines 30-58).

Although the disclosed teachings of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: maintaining a connection between the ACD server and the user while the call is in a queue.

Nevertheless, maintaining a connection between ACD servers and users while a call is in queue was well known in the art at the time of the present invention. Lee teaches providing periodic announcements to a user while maintaining a connection between an ACD server and the user while a call is in queue (col. 6, lines 20-56).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko to teach maintaining a connection between the ACD server and the user while the call is in a queue. Doing so would have advantageously provided an alternate means for users to determine queue information such as queue position, holding times, and other related queue data, and using the information to determine whether to maintain a connection between the ACD server or not, (Lee col. 6, lines 21-26).

Although the disclosed modified teachings of Bondarenko show substantial features of the claimed invention, they further fail to disclose: the ACD server comprising a Session Initiation Protocol (SIP) server.

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising: sending a request to a gateway 160, wherein the sending request utilizes SIP, and the gateway is an SIP proxy server (page 5, paragraphs 101-103).

Thus, given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server comprise an SIP server. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server comprising an SIP server, (Burg, page 5, paragraph 100).

6. In considering claim 2, although the method of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: sending the request utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising: sending a request to a gateway 160, wherein the sending request utilizes SIP, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the request, sent to the ACD server, utilize SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server, (Burg, page 5, paragraph 100).

7. In considering claim 7, although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: utilizing an SIP based client for establishing the call with the ACD server.

Nevertheless, the method of Burg teaches: utilizing an SIP based client for establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the an SIP based client for establishing the call with the ACD. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the ACD server, Burg, page 5, paragraph 100.

8. In considering claim 8, the method of Bondarenko further teaches: the user within a PSTN, (col. 5, lines 45-63).

Although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: the ACD server being an SIP based client.

Nevertheless, the method of Burg teaches: a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

9. Claims 3, 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko in view of Lee, in view of Burg, and further in view of Schwartz.

10. In considering claim 3, the method of Bondarenko further teaches: a callback feature, (col. 4, lines 12-19).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Schwartz teaches an ACD server determining a number of times a user has called and an accumulated wait time, (col. 2, line 17, through col. 3, line 27).

Thus, given the teachings of Schwartz, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to call back a user when the ACD server determines a number of times the user has called and an accumulated wait time. This would advantageously minimized telephone time between the user and the ACD server, (Schwartz, col. 1, line 66 through col. 2, line 16).

11. In considering claim 5, although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: tracking how much time the user has been on hold and crediting the user with time when a user calls back.

Nevertheless, Schwartz teaches: tracking how much time a user has been on hold and crediting the user with time when a user calls back, (col. 2, line 17, through col. 3, line 27).

Thus, given the teachings of Schwartz, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to track how much time the user has been on hold and crediting the user with time when a user calls back. This would advantageously minimized telephone time between the user and the ACD server, (Schwartz, col. 1, line 66 through col. 2, line 16).

12. In considering claim 6, although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, Schwartz teaches: tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back, (col. 2, line 17, through col. 3, line 27).

Thus, given the teachings of Schwartz, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to track how much time the user has been on hold and prioritizing the user within a queue when a user calls back. This would advantageously minimized telephone time between the user and the ACD server, (Schwartz, col. 1, line 66 through col. 2, line 16).

13. Claims 4, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko in view of Lee, in view of Burg, and further in view of Korilis et al. (hereinafter Korilis) U.S. patent 6,335,744.

14. In considering claim 4, the method of Bondarenko further teaches: a push technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: pushing web content from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing web content from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to push web content to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, (Korilis, col. 2, lines 32-45).

15. In considering claim 9, the method of Bondarenko further teaches: a push technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: pushing games from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing a game from a server to a user, (col. 4, lines 27-33).

Given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to have the ACD server push games to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, (Korilis, col. 2, lines 32-45).

16. Claims 21-23, 25, 27, 28, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bondarenko, in view of Burg, and further in view of Schwartz.

17. In considering claim 21, Bondarenko teaches a computer program product for

enabling dynamic queuing in an automatic call distributor (ACD) server, comprising: a

computer program processable by a computer system for causing the computer system

to: responsive to receiving a call placed from a user to the ACD server, place the user

call in a queue, (col. 11, lines 30-58); responsive to a user request subsequent to

placing the call, dynamically determine at least one of the following queue information

selected from the group consisting of a user's queue position, holding times, and other

related queue data, (col. 11, lines 30-58); transmit the queue information from the ACD

server to the user, (col. 11, lines 30-58); and apparatus from which the computer

program is accessible by the computer system.

Although the disclosed teachings of Bondarenko show substantial features of the

claimed invention, they further fail to disclose: the ACD server comprising a Session

Initiation Protocol (SIP) server.

Nevertheless, in a similar field of endeavor Burg discloses a method for

delivering call queue messages for calls launched from the Internet comprising: sending

a request to a gateway 160, wherein the sending request utilizes SIP, and the gateway

is an SIP proxy server (page 5, paragraphs 101-103).

Thus, given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server comprise an SIP server. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server comprising an SIP server, (Burg, page 5, paragraph 100).

Although the modified teachings of Bondarenko shows substantial features of the claimed invention, they fail to explicitly disclose: tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back.

Nevertheless, Schwartz teaches: tracking how much time the user has been on hold and prioritizing the user within a queue when a user calls back, (col. 2, line 17, through col. 3, line 27).

Thus, given the teachings of Schwartz, it would have been apparent to one of ordinary skill in the art to further modify the teachings of Bondarenko to track how much time the user has been on hold and prioritizing the user within a queue when a user calls back. This would advantageously minimized telephone time between the user and the ACD server, (Schwartz, col. 1, line 66 through col. 2, line 16).

18. In considering claim 22, although the method of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: receiving the request utilizing Session Initiation Protocol (SIP).

Nevertheless, in a similar field of endeavor Burg discloses a method for delivering call queue messages for calls launched from the Internet comprising: sending a request to a gateway 160, wherein the sending request utilizes SIP, (page 5, paragraphs 102-103).

Thus, given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to receiving the request utilizing SIP. This would have provided a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the user and the ACD server, (Burg, page 5, paragraph 100).

19. In considering claim 23, the method of Bondarenko further teaches: a callback feature, (col. 4, lines 12-19).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: calling back a user when the server determines a number of times the user has called and an accumulated wait time.

Nevertheless, in a similar field of endeavor Schwartz teaches an ACD server determining a number of times a user has called and an accumulated wait time, (col. 2, line 17, through col. 3, line 27).

Thus, given the teachings of Schwartz, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to call back a user when the ACD server determines a number of times the user has called and an accumulated

wait time. This would advantageously minimized telephone time between the user and the ACD server, (Schwartz, col. 1, line 66 through col. 2, line 16).

20. In considering claim 25, although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to explicitly disclose: tracking how much time the user has been on hold and crediting the user with time when a user calls back.

Nevertheless, Schwartz teaches: tracking how much time a user has been on hold and crediting the user with time when a user calls back, (col. 2, line 17, through col. 3, line 27).

Thus, given the teachings of Schwartz, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko to track how much time the user has been on hold and crediting the user with time when a user calls back. This would advantageously minimized telephone time between the user and the ACD server, (Schwartz, col. 1, line 66 through col. 2, line 16).

21. In considering claim 27, although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: utilizing an SIP based client for establishing the call with the ACD server.

Nevertheless, the method of Burg teaches: utilizing an SIP based client for establishing a call with a gateway, (page 5, paragraphs 102-103).

Given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the an SIP based client for establishing the call with the ACD. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the ACD server, Burg, page 5, paragraph 100.

22. In considering claim 28, the method of Bondarenko further teaches: the user within a PSTN, (col. 5, lines 45-63).

Although the method of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: the ACD server being an SIP based client.

Nevertheless, the method of Burg teaches: a gateway 160 being an SIP based client, (page 5, paragraphs 102-103).

Thus, given the teachings of Burg, it would have been apparent to one of ordinary skill in the art at the time of the present invention, to modify the teachings of Bondarenko in order to have the ACD server be an SIP based client, the user within a PSTN and converting the SIP messages to PSTN messages for the user. This would have provided a client that would be taking advantage of a fast, scalable, and easy to implement protocol, that would be independent of the lower layer transport protocol, and would therefore improve communication between the client and the user, Burg, page 5, paragraph 100.

23. Claims 24, 29, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Bondarenko in view of Burg, in view of Schwartz, and further in view of Korilis et al.

(hereinafter Korilis) U.S. patent 6,335,744.

24. In considering claim 24, the method of Bondarenko further teaches: a push

technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the

claimed invention, it fails to expressly disclose: pushing web content from the ACD

server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a

communication network comprising: pushing web content from a server to a user, (col.

4, lines 27-33).

Thus, given the teaching of Korilis, it would have been apparent to one of

ordinary skill in the art to modify the teachings of Bondarenko, to push web content to

the remote user. This would have kept the user occupied while waiting in queue at the

ACD server, and would also help companies advertise to the user while the user is

waiting, (Korilis, col. 2, lines 32-45).

25. In considering claim 29, the method of Bondarenko further teaches: a push

technology, (col. 5, lines 64-67, col. 6, lines 1-5).

Although the disclosed system of Bondarenko shows substantial features of the claimed invention, it fails to expressly disclose: pushing games from the ACD server to the user.

Nevertheless, Korilis teaches a method for conducting a game over a communication network comprising: pushing a game from a server to a user, (col. 4, lines 27-33).

Thus, given the teaching of Korilis, it would have been apparent to one of ordinary skill in the art to modify the teachings of Bondarenko, to have the ACD server push games to the remote user. This would have kept the user occupied while waiting in queue at the ACD server, and would also help companies advertise to the user while the user is waiting, (Korilis, col. 2, lines 32-45).

26. Claims 30, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bondarenko, in view of Burg.

27. In considering claim 30, Bondarenko teaches a computer program product for enabling dynamic interacting with an automatic call distributor (ACD) server, comprising: a computer program processable by a computer system for causing the computer system to: receive a call placed from a user to the ACD server, the user call being placed in a queue, while awaiting to be connected with a line agent, (col. 11, lines 30-58); dynamically receive at the ACD server a request from the user for determining at least one of the following queue information selected from the group consisting of a

user's queue position, holding times, and other related queue data, and can be sent by

the user at any time while the call is in the queue, and transmit the queue information

from the ACD server to the user, (col. 11, lines 30-58); and apparatus from which the

computer program is accessible by the computer system.

Although the disclosed teachings of Bondarenko show substantial features of the

claimed invention, they further fail to disclose: the ACD server comprising a Session

Initiation Protocol (SIP) server.

Nevertheless, in a similar field of endeavor Burg discloses a method for

delivering call queue messages for calls launched from the Internet comprising: sending

a request to a gateway 160, wherein the sending request utilizes SIP, and the gateway

is an SIP proxy server (page 5, paragraphs 101-103).

Thus, given the teachings of Burg, it would have been apparent to one of

ordinary skill in the art at the time of the present invention, to modify the teachings of

Bondarenko in order to have the ACD server comprise an SIP server. This would have

provided a fast, scalable, and easy to implement protocol, that would be independent of

the lower layer transport protocol, and would therefore improve communication between

the user and the ACD server comprising an SIP server, (Burg, page 5, paragraph 100).

Conclusion

28. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Hassan Phillips whose telephone number is (571)

272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
12/27/05

ZARNI MAUNG
SUPERVISORY PATENT EXAMINER